



WEB COPY



H.C.P.No.1471 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M. JOTHIRAMAN

H.C.P.No.1471 of 2025

R.Abhinaya

... Petitioner

Vs.

- 1.The Superintendent of Police,
Salem District.
- 2.The Deputy Superintendent of Police,
Attur, Salem District.
- 3.The Inspector of Police,
All Women Police Station (AWPS),
Attur, Salem District.
- 4.R.Dhanasekaran
- 5.C.Rajendran
- 6.Shanmugavel
- 7.Jothimani
- 8.Vignesh



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9.Dineshkumar

10.Rajeshwari

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Habeas Corpus directing the respondents 1 to 3 to produce the petitioner's minor daughter, Bhavadharani (female aged about 4 years) before this Court and to hand over her custody to the petitioner.

For Petitioner	:	Mr.V.K.Thiruvengadam
For R1 to R3	:	Mr.A.Damodaran Additional Public Prosecutor assisted by Mr.K.Karthikeyan
R4	:	Appeared in person
For R5	:	Mr.K.Semmalai
R6 to R10	:	Given up

ORDER

(Order of the Court was made by **N. SATHISH KUMAR, J.**)

This Habeas Corpus Petition has been filed to produce the petitioner's minor daughter Bhavadharani (female aged about 4 years) before this Court and to hand over her custody to the petitioner.



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2.It is the case of the petitioner that she married the 4th respondent on 10.09.2021 and they were blessed with a female child namely Bhavadharani, who is now aged about 4 years, studying in LKG. Due to matrimonial discord, the petitioner is now residing at her parental home for past two years with the minor child. While so, on 16.06.2025, the 4th respondent abducted her daughter from her parental residence. Therefore, she lodged a complaint before the 3rd respondent Police in CSR No.310 of 2025 on 21.06.2025. However, her daughter was not traced. Hence, she has come forward with the present Habeas Corpus Petition.

3.Today, the petitioner, 4th respondent are present before this Court. The minor child is also produced before this Court from the custody of the 4th respondent/father. Though this Court is of the view that the child is not in illegal custody, the minor child, who is 4 years old, on seeing the mother, jumped from her father and joined the mother. On interaction, she is not inclined to go with the father. The petitioner took custody of the child in the Court.



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4. On interaction, it appears that there is a matrimonial dispute between the petitioner and the 4th respondent and the husband has questioned the fidelity of his wife. We cannot decide the issue at present. However, considering the fact that the 4th respondent is the father and natural guardian of the child, we are inclined to permit the 4th respondent/father to take the child on every Saturday at 10.00 a.m., keep the child with him, and thereafter, hand over the child at 3.00 p.m. on Sunday to the petitioner/mother. This arrangement shall continue until the rights of the parties are decided before the concerned District Court/Family Court. It is made clear that the 4th respondent/father shall not hand over the custody of his child to any other persons/relatives during such weekends.

5. With the above directions, this Habeas Corpus Petition is disposed of. No costs.

(N.S.K., J.) (M.J.R., J.)
03.11.2025

mkn



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Internet : Yes

Index : Yes / No

Speaking Order / Nonspeaking order

Neutral Citation : Yes / No

To

- 1.The Superintendent of Police,
Salem District.
- 2.The Deputy Superintendent of Police,
Attur, Salem District.
- 3.The Inspector of Police,
All Women Police Station (AWPS),
Attur, Salem District.
- 4.The Public Prosecutor,
High Court, Madras.



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